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10/088,468	06/11/2002	Toshiro Nishio	967 029	8804

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EXAMINER

LEE, RICHARD J

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 02/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/088,468	Applicant(s) NISHIO ET AL.	
	Examiner Richard Lee	Art Unit 2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 15-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

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1. The applicants are informed that the IDS filed on April 8, 2004 is a duplicate of the IDS filed on July 2, 2004. Since it is not necessary to cite a reference more than one to be made of record, the Examiner will only consider the IDS filed on July 2, 2004. A line has been drawn through all the respective references cited on the IDS filed April 8, 2004 (see attachment).
2. Figure 17 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated (see page 1 of the Specification). See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The abstract of the disclosure is objected to because:

(a) phrases which can be implied, such as "The present invention" appearing at lines 1-2 of the Abstract should be avoided;

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(b) "MPEG decoder (103)" should be changed to "MPEG decoder (102)" in order to agree with Figure 1 of the drawings; and

(c) the Abstract should be limited to a single paragraph.

Correction is required. See MPEP § 608.01(b).

5. The disclosure is objected to because of the following informalities: It is not proper to make reference to specific claims in the Specification since claims may in future prosecution be changed or canceled. In the present case, the reference claims have in fact been canceled.

Appropriate correction is required.

6. Claims 21, 22, 27, and 29 are objected to because of the following informalities:

(a) claim 21, line 2, after "information", "is" should be properly inserted for clarity;

(b) claim 22, line 2, after "information", "is" should be properly inserted for clarity;

(c) claim 27, line 2, "preformed" should be changed to "performed" for clarity; and.

(d) claim 29, line 2, "statndard" should be changed to "standard" for clarity.

Appropriate correction is required.

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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8. Claims 17, 18, 21, and 22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In particular, the Specification does not provide support for the features of “wherein the information is transmitted in a blank period of the baseband video signal” as claimed in claims 17, 18, 21, and 22.

9. Claims 15-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For examples:

(1) claim 15, lines 2-3, claim 16, lines 2-3, claim 19, line 1, claim 20, line 1, claim 23, lines 2-3, claim 24, lines 2-3, the particular phrase “a baseband video signal having a decoded video signal” as claimed respectively is vague and indefinite in that it is not particularly understood what is claimed. As best understood by the Examiner and in view of the Specification with reference to Figure 1 of the drawings, the claimed “baseband video signal” corresponds to the YPbPr signal at the output from MPEG decoder 102 of Figure 1. The “baseband video signal” is a “decoded video signal”, and thus it is unclear what is meant by “a baseband video signal having a decoded video signal” as claimed;

(2) claim 15, line 4, it is unclear what is meant by “before the decoded video signal is decoded” as claimed;

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(3) claim 16, lines 3-4, “the video signal” shows multiple antecedent basis (see lines 2 and 3);

(4) claim 19, lines 3-4, it is unclear what is meant by “before the decoded video signal is decoded” as claimed;

(5) claim 23, lines 4-5, it is unclear what is meant by “before the decoded video signal is decoded” as claimed;

(6) claim 24, lines 4-5, the phrase “to encode a video signal to the decoded video signal” as claimed is vague and indefinite in that it is unclear what is being claimed;

(7) claim 25, lines 2-3, claim 26, lines 2-3, the particular phrase “a baseband video signal having a decoded picture” as claimed respectively is vague and indefinite in that it is not particularly understood what is claimed. As best understood by the Examiner and in view of the Specification with reference to Figure 1 of the drawings, the claimed “baseband video signal” corresponds to the YPbPr signal at the output from MPEG decoder 102 of Figure 1. The “baseband video signal” is a “decoded picture”, and thus it is unclear what is meant by “a baseband video signal having a decoded picture” as claimed;

(8) claim 25, lines 4-5, it is unclear what is meant by “before the decoded video signal is decoded” as claimed;

(9) claim 25, line 6, “the decoded video signal” shows no clear antecedent basis;

(10) claim 29, line 2, claim 39, line 2, claim 31, line 2, claim 32, line 2, the particular claim to the “MPEG standard”, respectively is indefinite because there are many versions of the MPEG recommendations and the recommends are continuously updated. The scope of the claim limitations cannot change over time, and unless the applicants provide in the remarks section of a

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response to this Office Action the specific MPEG version with the date or a copy of the MPEG recommendation is provided, the claims are considered indefinite;

(11) claim 29, lines 2-3, "the picture encoding method" shows no clear antecedent basis;
and

(12) claim 32, lines 2-3, "the picture decoding method" shows no clear antecedent basis.

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

11. Claims 15, 16, 19, 20, 23, 24, and 29-32 are rejected under 35 U.S.C. 102(a) as being anticipated by applicants' Admitted Prior Art Figure 17 (hereinafter referred to as APA Figure 17).

Due to the indefiniteness of the claims as pointed out in the above paragraphs (8) and (9), the Examiner wants to point out that the claims are being read in the broadest sense.

APA Figure 17 discloses the same signal transmission unit, method, and apparatus (see 1701 of APA Figure 17) as claimed in claims 15, 16, 19, 20, 23, 24, and 29-32, comprising the same signal transmitter (1704 of APA Figure 17) transmitting a baseband video signal having a decoded video signal and transmitting information specifying video format of a video signal before the decoded video signal is decoded, the signal transmitter transmitting information specifying video format by which the video signal is encoded (see pages 1-2 of the Specification); and a signal transmitter operable to transmit information specifying a picture decoding method of a predetermined standard used to decode a video signal before the decoded

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video signal is decoded, and operable to transmit information specifying a picture encoding method of a predetermined standard used to encode a video signal to the decoded video signal, wherein the predetermined standard is MPEG standard and the picture encoding and decoding method is discriminated by I, P, and B pictures (i.e., MPEG encoding 1704 and decoding 1702 of APA Figure 17, see pages 1-2 of the Specification).

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 17, 18, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over APA Figure 17 as applied to claims 15, 16, 19, 20, 23, 24, and 29-32 in the above paragraph (11), and further in view of Maeshima et al (5,402,177).

APA Figure 17 discloses substantially the same signal transmission unit, method, and apparatus as above, but does not particularly disclose wherein the information is transmitted in a blank period of the baseband video signal as claimed in claims 17, 18, 21, and 22. The particular transmission of additional information such as video format data in a blank period of a video signal in general is old and well recognized in the art, as exemplified by Maeshima et al (see column 2, lines 4-14). Therefore, it would have been obvious to one of ordinary skill in the art, having the APA Figure 17 and Maeshima et al references in front of him/her and the general knowledge of the insertion of information in the blanking period of a video signal, would have had no difficulty in using the particular teachings of Maeshima et al involving the insertion of additional information in a blank period of a video signal to provide the transmission of

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information in a blank period of the baseband video signal as shown in APA Figure 17 for the same well known transmission of video data so as to be properly recovered and decoded in a receiver purposes as claimed.

14. Claims 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over APA Figure 17 as applied to claims 15, 16, 19, 20, 23, 24, and 29-32 in the above paragraph (11), and further in view of Fukuda et al (6,434,275).

APA Figure 17 discloses substantially the same signal transmission unit, method, and apparatus as above, further including a signal receiving apparatus (1705 of APA Figure 17) comprising a receiver (1706 of APA Figure 17) operable to receive a baseband video signal having a decoded picture, operable to receive information specifying a picture decoding method of a predetermined standard used to decode a picture before the decoded picture is decoded, and operable to receive information specifying a picture encoding method of a predetermined standard used to encode a picture (see pages 1-3 of the Specification).

APA Figure 17 does not particularly disclose, though a controller operable to control quality of the decoded video signal by each picture, using the information, and wherein noise elimination is performed for each picture by the controller as claimed in claims 25-28. However, Fukuda et al discloses a block distortion reduction method and device as shown in Figures 1 and 9, and teaches the conventional controlling of the quality of each decoded picture (i.e., block distortion correction 7 of Figure 1 performs correction of image data supplied from MPEG decoder 2, thereby eliminating block distortion and controlling image quality (see column 1, lines 18-32, column 9, lines 3-30), as well as eliminating noise for each picture by the controller (i.e., block distortion reducing circuit 107 of Figure 9 eliminates noise of each of the decoded

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pictures supplied from MPEG decoder 106, see column 12, lines 8-29). Therefore, it would have been obvious to one of ordinary skill in the art, having the APA Figure 17 and Fukuda et al references in front of him/her and the general knowledge of decoded image quality controls and noise eliminations, would have had no difficulty in providing the image quality control of decoded video pictures and noise elimination of pictures as taught by Fukuda et al as part of the decoded image processings within 1705 of APA Figure 17 for the same well known quality control of decoded video and elimination of noise from the decoded video purposes as claimed.

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chang discloses a bit allocation method for controlling transmission rate of video encoder.

Yamaguchi discloses a television receiving set having multiplexed text decoder.

Miyamoto discloses an encoded moving picture data conversion device and conversion method.

16. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry)

(for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

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17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Lee whose telephone number is (703) 308-6612. The Examiner can normally be reached on Monday to Friday from 8:00 a.m. to 5:30 p.m, with alternate Fridays off.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group customer service whose telephone number is (703) 306-0377.


RICHARD LEE
PRIMARY EXAMINER

Richard Lee/rl

2/18/05

